REMARKS

Claims 1-20, 22-53 and 55-71 are pending in this application. Claims 21 and 54 have been canceled, without prejudice or disclaimer of subject matter. Claims 19, 20, 22, 34 and 38 have been amended to correct informalities or typographical errors unrelated to patentability. Claims 1, 22, 35, 46, 55 and 63 are in independent form.

Initially, Applicant notes with appreciation the Examiner's indication that Claims 3, 4, 8, 10, 14, 15, 24, 25, 28, 29, 38, 40 and 41 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The cancellation of Claims 21 and 54 renders the rejection under 35 U.S.C.§ 101 moot.

Claims 1, 2, 5-7, 9, 11-13, 16-18, 22, 23, 26, 27, 30-33, 35, 39, 42-44 and 71 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,696,866 (*Iggulden et al.*). Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Iggulden et al.* in view of U.S. Patent No. 5,784,521 (*Nakatani et al.*); Claims 20, 34, 45-48, 55-57 and 63-65, as being unpatentable over *Iggulden et al.* in view of *Nakatani et al.* and U.S. Patent No. 5,956,453 (*Yaegashi et al.*); Claims 36 and 37, as being unpatentable over *Iggulden et al.*; Claims 49, 50, 58, 59, 66 and 67, as being unpatentable over *Iggulden et al.* in view of *Nakatani et al.*, *Yaegashi et al.*, and U.S. Patent No. 5,515,101 (*Yoshida*); and Claims 51-54, 60-62 and 68-70, as being unpatentable

over *Iggulden et al.*[1] in view of *Nakatani et al.*, *Yaegashi et al.*, *Yoshida* and U.S. Patent No. 6,546,187 (*Miyazaki et al.*).

The cancellation of Claim 54 renders the Section 103(a) rejection of that claim moot.

Claim 1 is directed to a method of editing a video sequence comprising at least one clip, each clip having a determinable duration. The method comprises the steps of extracting characteristic data associated with each clip from the sequence, processing the characteristic data according to at least one template of editing rules to form editing instruction data, and processing the video sequence according to the editing instruction data to form an edited sequence of the edited segments. The characteristic data includes at least time data related to the corresponding duration, and the editing rules have at least a predetermined cutting format configured to form edited segments based on a plurality of predetermined segment durations.

Notable features of Claim 1 include (a) at least one template of editing rules that is used to process the "characteristic" data, and (b) the editing rules have a predetermined cutting format to form edited segments based upon a plurality of predetermined segment durations.

Iggulden et al. is understood to disclose a video cassette recorder (VCR) which is configured to record a broadcast video transmission and to subsequently process

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[1]/Section 10 of the Office Action states that "Claims 51-54, 60-62, and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yaegashi et al** in view of Nakatani et al, Yaegashi et al, Yoshida, and Miyazaki et al (6,546,187)." *Emphasis added.* Applicant believes that the Office Action mistakenly listed Yaegashi et al., but intended to list *Iggulden et al.* This would be consistent with the explanation for the rejection, which includes a discussion of *Iggulden et al.*

that recording to identify the commencement and ending of commercial segments as distinct from program segments. The identified commercial segments are marked on the video recorded tape. If a viewer does not want to view the commercials, the automated playback mode is used to automatically skip past the commercials, by accelerating playback in a forward scanning fashion. In the automated mode, the mark specifying the beginning and end of the identified commercial segments are detected and the VCR increases its playback speed from a "normal playback speed" to a "forward scan speed" until the commercial segment ends. The VCR then returns to normal playback speed. The automated mode removes the need for the viewer to manually forward scan through the commercials, watch the progress of the forward scan, and then stop the forward scan when the displayed image appears to return to the normal program material.

Applicant's understand *Iggulden et al.* to disclose that the entirety of the recorded broadcast video transmission is replayed to the viewer, although the commercial portions may be replayed at forward scan speeds. Column 3, lines 47-50 states that "[s]ince all of the television signal is recorded on the tape, the entire signal is preserved for reviewing at the discretion of the user, even if portions of it have been misclassified." Moreover, in column 11, lines 1-5, *Iggulden et al.* discloses that when a mark from the tape control track is identified indicating the commencement of a commercial group, "the tape is advanced at forward scan speed *(emphasis added)*" until "the end of a commercial group occurs[,]" then "the tape is returned to normal Play mode." Therefore, it is evident that the entirety of a recorded video program is played back in the automated mode.

In contrast, the present invention processes a video sequence, e.g. recording, so as to segment that recording into an edited form whereby a predetermined cutting format is used to form edited segments based on predetermined segment durations, as set forth in Claim 1.

The term "cutting" is derived from the motion picture industry where traditional film stock is cut in the editing process and the final film is formed by a joining or a compilation of the edited (cut) segments. This is consistent with how "cut" is understood in the art and this is the intended meaning in the specification and claims of the current application.

In *Iggulden et al.*, "cutting" is not understood to be performed. In fact, "cutting" is not seen to be even discussed in *Iggulden et al.* Rather, *Iggulden et al.* discloses that selected portions of the original recorded material are replayed at an alternate playback speed, e.g. forward scan.

Furthermore, column 12, line 17 to column 13, line 16 of *Iggulden et al.* discusses a "Commercial Detection Algorithm" which recognizes that television programs typically play commercials in groups with each group occupying approximately 2 minutes of broadcast time, interspersed in the program material. The algorithm attempts to determine the actual passing of a commercial group, by detecting multiple commercials within the commercial group, as opposed to a single commercial, to identify a return to normal program material. A time differential (dt) is calculated and decision rules are used to determine whether dt is (i) less than or equal to 31 seconds, (ii) less than 62 seconds and greater than 58 seconds, (iii) less than 92 seconds and greater than 88 seconds, or (iv) less

than 122 seconds and greater than 118 seconds. If dt satisfies one of the conditions, the corresponding segment following the event under examination is considered to be a commercial.

However, the Commercial Detection Algorithm of *Iggulden et al.* does not cut the program stream, e.g. video sequence, but rather identifies times at which marks "A" (e.g. commencement of a commercial group) and "B" (e.g. end of the commercial group) are to be inserted into the control track of the video tape. See column 13, lines 57-66. The actual time intervals mentioned in column 12 do not directly result in the making of the marks "A" and "B", but rather operate in a cumulative sense to identify the overall passage of time ascribed to the commercial group.

The intervals described by *Iggulden et al.* are only used to process the individual detected events so as to identify marks "A" and "B" that are applied to the control track of the video tape. As such, marks "A" and "B" do not alter the content that is reproduced to the viewer. Rather, only the rate at which that content is played back to the viewer is modified. Further, there is no express disclosure or suggestion contained in *Iggulden et al.* that the internals mentioned in column 12 actually result in an altered playback rate corresponding to any one or more of those intervals. This is clearly seen from *Iggulden et al.* at column 14, line 37, where it is seen that a mark is made 10 seconds before the end of a commercial group to enter the play mode. The purpose of this is to allow the VCR to wind back from the "scan" speed to the normal "play" speed, thereby avoiding the loss of reproduction of the program material, while only running a minimal risk of exposing the viewer to a small amount of commercial content.

As such, Applicant has not found *Iggulden et al.* to teach or suggest editing a sequence, using a predetermined cutting format to provide a number of edited segments of predetermined segment duration, as set forth in Claim 1. Such features are exemplified in the specification of the present application by a 4-10 cutting format, where a clip is edited into segments each of either 4 or 10 seconds in duration.[2] If the total time of a clip is not readily devisable into 4 and 10 second segments, those portions that are not devisable are ultimately discarded.

As such, for the reasons discussed above, Claim 1 is deemed patentable over *Iggulden et al.*

Claim 46 is directed to a method of editing a video sequence comprising a plurality of individual clips and associated data including at least time data related to a real time at which the clip was recorded. The method comprises the steps of (a) examining the time data for each clip to identify those of the clips that are associable by a predetermined time function, the associable clips being arranged into corresponding groups of clips; (b) identifying at least one of a beginning and a conclusion of each group as a title location; (c) for at least one the title location, examining at least one of corresponding time data and further data to generate an insert title including at least a text component; and (d) incorporating the insert title into the sequence at the title location.

One important feature of Claim 46 is that the method uses a plurality of individual clips and associated data.

[2/]It is to be understood that the example described is for illustrative purposes only and is not intended to limit the scope of the claimed invention to this particular embodiment.

On the other hand, in *Iggulden et al.* a single "clip" is defined by a commencement of recording and a conclusion of recording. Although a form of differentiation of content in that single clip on a time basis apparently is disclosed, *Iggulden et al.* does not disclose actually segmenting that clip on a time basis to produce a plurality of clips or segments.

The Office Action cites *Nakatani et al.* for disclosing the incorporation of a title, and *Yaegashi et al.* for teaching grouping clips into a corresponding group of clips and identifying at least one of a beginning and a conclusion of each group as a title location.

However, Applicant submits that neither *Iggulden et al.*, *Nakatani et al.*, nor *Yaegashi et al.* or any permissible combination thereof, teaches or suggests a method of editing a video sequence where a plurality of clips and associated data is used, as set forth in Claim 46. As such, Claim 46 is believed to be patentable over each of the cited references whether considered separately or in combination.

Furthermore, Applicant submits that there is simply no motivation to combine *Iggulden et al.* with *Nakatani et al.* and *Yaegashi et al.* for the following reasons. *Iggulden et al.* relates to recording a television broadcast. The content of the video stream normally includes programming titles, which are captured during the recording process. As such, a viewer would have no reason or motivation to incorporate a user editable title into the recorded video since the titles contained in the recorded program already exist. Thus, there would be no motivation for the viewer, or any person, whether skilled in the art or not, to attempt to combine the title arrangements afforded by *Nakatani et al.* with the disclosure of *Iggulden et al.*, let alone with *Yaegashi et al.*

For these reasons as well, it is believed that Claim 46 is patentable over the proposed combination of those references.

Independent Claims 22 and 35 have features very similar to those of Claim 1 and independent Claims 55 and 63 have features very similar to those of Claim 46. For at least the reasons discussed above for Claims 1 and 46, respectively, these claims are believed to be patentable over the references cited against them.

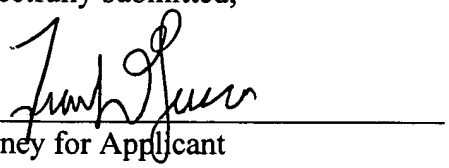
A review of the other art of record has failed to reveal anything, which in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims under consideration herein. Those claims are therefore believed to be patentable over the other art of record.

The other claims under consideration in this application are each dependent from one or another of the independent claims, i.e. Claims 1, 22, 35, 46, 55 or 63, discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, it is believed that the entire application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant
Frank A. DeLucia
Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 422231v1